

עשרה מעשר ראשון, תשעה מעשר  
שני, ומיחל ושותה מייד, דברי רבי  
מאיר.

ten log that I will later separate shall be the **first tithe**;<sup>N</sup> and another tenth from the rest, which equals **nine log** of the remaining ninety, shall be **second tithe**. **And he redeems** the second tithe with money that he will later take to Jerusalem, **and he may then immediately drink**<sup>N</sup> the wine. After Shabbat, when he removes portions from the mixture and places them in vessels, they are retroactively designated as *terumot* and tithes.<sup>B</sup> This is **the statement of Rabbi Meir**.

NOTES

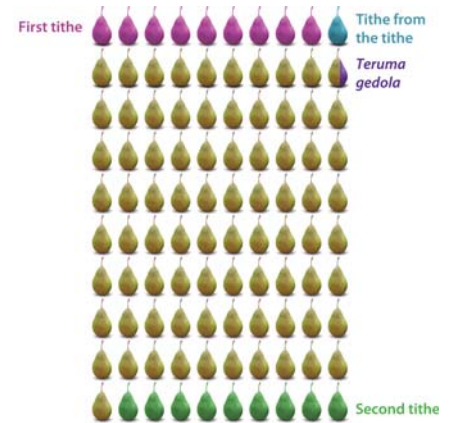
Ten shall be the first tithe – עשרה מעשר ראשון: *Tosafot* note that the calculation is inaccurate, as after separating the *teruma gedola* there are no longer one hundred log in the wineskin but ninety-eight. Therefore, one need separate only nine and eight-tenths of a log. Nevertheless, the Gemara does not specify the precise amount, as the idea is clear enough. Furthermore, perhaps he uses slightly small measurements, which balances out the difference (*Tosafot Yeshanim*).

And he redeems [meiheil] and he may immediately drink –

ומיחל ושותה מייד: The meaning of the term *meiheil* here is the subject of much debate. According to Rashi, he redeems the second tithe of the wine with money has at home. Others claim it means: He begins, i.e., he may start drinking right away without waiting (Rambam; Rabbeinu Tam; *Me'iri*). Rav Hai Gaon reads the word as *mohel*, which means he is permitted to dilute the wine in water and drink it, in accordance with the *halakha* that diluted wine is considered part of a meal and may therefore not be served before *terumot* and tithes have been separated (see *Tosafot Yeshanim*).

BACKGROUND

**Terumot and tithes** – תרומות ומעשרות: *Terumot* and tithes are separated in the following manner. For example, if one has one hundred units of food or beverage, he first removes the *teruma gedola*, which is given to the priests. The average amount of this gift is one-fiftieth of the produce, which in this example is two units. Next, the first tithe is removed and given to a Levite. This gift is ten percent of the remaining produce, or slightly less than ten units in this case. In most years, another tenth is taken from the rest as second tithe, which is taken to Jerusalem and consumed there. Here the second tithe amounts to slightly more than nine units. In years three and six of the Sabbatical cycle, this tithe is given to the poor instead.



Tithes that would be removed from one hundred pieces of fruit

רבי יהודה ורבי יוסי ורבי שמעון  
אוקרין. אלקמא: אין ברירה.

**Rabbi Yehuda, Rabbi Yosei, and Rabbi Shimon prohibit** this practice. Apparently, Rabbi Yehuda maintains that **there is no retroactive clarification**.

ממאי? דילמא שאני התם כדקתני  
טעמא; אמרו לו לרבי מאיר: אי  
אתה מודה שפא יבקע הנוד ונמצא  
שותה טבלים למפרע? ואמר להם:  
לכשיבקע.

The Gemara explains the difficulty: **From where** do you reach this conclusion? **Perhaps it is different there, as the reason is taught:** The Rabbis said to Rabbi Meir: **Do you not concede that the jug might split open**<sup>N</sup> before he removes the portions of *terumot* and tithes from the mixture, causing all the wine to spill out? **And he will then be found drinking untithed wine retroactively**. Therefore, he cannot rely on separation that has not yet occurred. **And he said to them:** Although there will be a problem **if it splits open**, there is no cause to be concerned for this contingency in advance. Since this reasoning is based on the possibility that the jug might break, there is no proof from here that Rabbi Yehuda rejects the principle of retroactive clarification.

אלא, מדתני אי. דתני אי, רבי  
יהודה אומר: אין אדם מתנה על  
שני דברים באחד.

**Rather**, the proof that Rabbi Yehuda does not accept the principle of retroactive clarification is **from a baraita** the Sage Ayo taught. **As Ayo taught that Rabbi Yehuda says: A person cannot stipulate conditions about two matters at once**, e. g., one cannot establish a joining of Shabbat boundaries [*eiruv*] in each of two different directions on Friday afternoon while making the following stipulation: If tomorrow, on Shabbat, two Sages arrive from two different directions, I will decide then which of the two lecturers I prefer to hear at that point in time, which will determine which *eiruv* is in effect.<sup>H</sup>

NOTES

The jug might split open – שפא יבקע הנוד: According to this interpretation, the dispute does not concern the issue of retroactive designation at all. Instead, the *tanna'im* disagree as to whether one is permitted to place oneself in a situation of doubt when a biblical prohibition is involved. The Rabbis are concerned about potential complications, whereas Rabbi Meir does not worry about problematic eventualities (see *Tosafot*).

HALAKHA

Stipulations of *eiruv* – תנאי בעירובין: An individual who heard that a scholar will visit a nearby place on Shabbat but does not know which side of the town will be his destination may establish two *eiruv* conditionally, one on either side. Retroactive clarification is applicable in this situation, which means that he may claim that the side on which the scholar arrives is that of the effective *eiruv* (*Shulhan Arukh, Oraḥ Ḥayyim* 413).

An *eiruv* to the east and to the west – עירוב למזרח – ולמערב: Citing verses in support of their ruling, the Sages decreed that it is prohibited to walk more than two thousand cubits beyond the city limits on Shabbat. Nevertheless, in certain situations one is permitted to establish what the Sages termed a joining of Shabbat boundaries [*eiruv*]: Before Shabbat, the individual places food for a meal at a location distant from his home, but still within the Shabbat limits, and declares that this location will be his new residence for the day. This allows him to travel two thousand cubits from the place of the *eiruv*. This institution is universally accepted, but the Sages debate the circumstances in which a conditional *eiruv* may be employed. The Gemara presents one such situation, in which a Sage might visit a neighboring town. The question arises with regard to the validity of the *eiruv* of an individual who wishes to travel to hear him speak.

A certain person descended before Rava – ההוא דנחית קמיה דרבא: This anecdote shows that as early as the amoraic period, the order of the Yom Kippur Temple service was recited during the prayers of that day. It is unlikely that these early prayers included a fixed formulation of the service, and to this day different poetic presentations of the High Priest's service are included in Festival prayer books. Poets such as Yosei ben Yosei composed alphabetical descriptions of the service, which tend to vary from one another in certain details, including differences in *halakha*.

אָלָא, אַם בָּא חֶכֶם לְמִזְרָח – עִירובו לְמִזְרָח, לְמַעְרָב – עִירובו לְמַעְרָב. אֲבָל לְכָאן וּלְכָאן – לֹא.

וְהוּינן בֵּיה: מַאי שָׂנָא לְכָאן וּלְכָאן דְּלֹא – דְּאִין בְּרִירָה.

לְמִזְרָח וּמַעְרָב נָמִי – אִין בְּרִירָה!

וְאָמַר רַבִּי יוֹחָנָן: כְּשֹׁכֵר בָּא חֶכֶם.

וְהִשְׁתָּא דְאַמְרִינן לְרַבִּי יְהוּדָה אִין בְּרִירָה, הָא בְּתִיבָה אִית לֵיה. יוֹם הַכַּפּוּרִים נָמִי, נִעְבִּיד תְּרִי, וְנִכְתּוּב עֲלֵיהּ!

מִשּׁוּם חוּלְשָׁא דְכֹהֵן גְּדוּל לָאו אֲדַעְתִּיהּ. דְּאִי לֹא תִימָא הָבִי, בְּלֹא בְּתִיבָה נָמִי, הָאִי – נִפְיֵשׁ, וְהָאִי – זוּטֵר.

וְכִי תִימָא לֹא מְקַבֵּיל לֵיה כּוּלֵיהּ – וְהָאִמַר רַב יְהוּדָה: הַשּׁוֹחֵט צְרִיךְ שִׁיקְבֵּל אֶת כָּל דְּמוּ שֶׁל פֶּר, שְׁנֵאמַר: "וְאֵת כָּל דֵּם הַפֶּר יִשְׁפּוֹךְ אֶל יְסוּד הַמִּזְבֵּחַ".

וְכִי תִימָא: דִּילְמָא מִשְׁתַּפִּיךְ מִיגִיָּה – הָאִי חִיּוּר וְהָאִי סוּמְקָא. אֲלָא, מִשּׁוּם חוּלְשָׁא דְכֹהֵן גְּדוּל לָאו אֲדַעְתִּיהּ. הָכָא נָמִי: מִשּׁוּם חוּלְשָׁא דְכֹהֵן גְּדוּל לָאו אֲדַעְתִּיהּ.

הָהוּא דְנָחִית קַמְיָה דְרַבָּא, אָמַר: יֵצֵא וְהִנִּיחוּ עַל כֵּן שְׁנֵי שְׁבִיבֵיכֶל, נִטְל דֵּם הַפֶּר וְהִנִּיחַ דֵּם הַשְּׂעִיר.

Rather, he may say that if the Sage comes to the east, his *eiruv* is to the east, and if the Sage comes to the west, his *eiruv* is to the west.<sup>N</sup> However, he may not say that if one Sage comes from here, and another Sage comes from there, he will go wherever he wishes, in either direction.

And we discussed this passage in the Gemara and asked: What is different about a case in which one stipulated that if Sages came from here and from there that he may go to whichever side he chooses, such that his *eiruv* is not effective? Apparently, Rabbi Yehuda maintains that there is no retroactive clarification, i.e., this person cannot claim after the fact that the place where he walked is designated as the place that he initially intended for his *eiruv*.

However, according to this principle, when an individual establishes an *eiruv* to the east and to the west for the anticipated arrival of a single Sage, one should also invoke the principle that there is no retroactive clarification. Why does Rabbi Yehuda agree that if one anticipates the arrival of a single Sage and stipulates that if he comes to the east his *eiruv* will be to the east, the *eiruv* is valid?

And Rabbi Yoḥanan said: This is not a true case of retroactive clarification, as the Sage had already come by twilight, but the one who established the *eiruv* did not yet know at which side of the town the Sage had arrived. Therefore, at the time the *eiruv* establishes his Shabbat residence, it is clear which *eiruv* he wants, although he himself will become aware of that only later. In this case, Rabbi Yehuda agrees that the *eiruv* is valid, but he nonetheless maintains in general that there is no retroactive clarification. This accounts for Rabbi Yehuda's opinion that there was no container for nests of obligatory sin-offerings and burnt-offerings, as he maintains that there is no solution for the possible mixture of the different coins.

The Gemara asks: And now that we have said and proven that according to Rabbi Yehuda there is no retroactive clarification, nevertheless he is of the opinion that one may rely on writing, as proven from the *halakha* of the collection horns. If so, on Yom Kippur as well, let us place two pedestals and write on them which one is for the blood of the bull and which is for the blood of the goat.

The Gemara answers: The reason they did not place two pedestals with writing on them is due to the High Priest's weakness. Since he is fasting during the entire day's service, the writing will not be on his mind; he will pay no attention to it and might become confused. As, if you do not say so, that there is concern for the High Priest's weakness, even without writing he should also not err, as this bowl in which he collects the bull's blood is relatively large and this one for the goat's blood is small.

And if you say that he does not collect all the bull's blood but only some of it, so that the bowls are of equal size, didn't Rav Yehuda say: One who slaughters the bull must receive all of the blood of the bull, as it is stated: "And all the blood of the bull he shall pour out on the base of the altar" (Leviticus 4:7).

And if you say that perhaps some of the bull's blood might spill, yielding equal amounts of blood, there should still be no mistake, as this blood, that of the goat, is white and bright compared to the blood of the bull, and this blood of the bull is red and darker than the other. Rather, the reason must be that due to the High Priest's weakness, these differences will not be on his mind. Here, too, the writing will not help, as due to the High Priest's weakness the inscriptions will not be on his mind.

§ The Gemara relates: A certain person descended to lead the prayer service on Yom Kippur before Rava<sup>N</sup> on Yom Kippur. He included the order of the High Priest's Yom Kippur service in his prayer, and he recited: The High Priest then emerged from the Holy of Holies and placed the bowl on the second golden pedestal in the Sanctuary; he took the blood of the bull from the pedestal and placed the blood of the goat in its place.

He placed the blood of the goat and took the blood of the bull – הַגִּיחַ דָּם הַשְּׂעִיר וְנָטַל דָּם הַפָּר – When the High Priest switches the bowl of the bull's blood with the one containing the blood of the goat and vice versa, he first places the bowl in his hand on the pedestal and then picks up the other bowl (Rambam *Sefer Avoda, Hilkhhot Avodat Yom HaKippurim* 4:2).

The presentations of blood in the Sanctuary – מִתְּנוֹת בְּהִיכָל: The High Priest sprinkles the blood toward the curtain in the same manner he sprinkles it in the Holy of Holies: One sprinkling upward and seven sprinklings downward for both the blood of the bull and that of the goat (Rambam *Sefer Avoda, Hilkhhot Avodat Yom HaKippurim* 3:5).

אָמַר לֵיהּ: תְּדַא כְּרַבְנָן וְתַדַּא כְּרַבְבִי יְהוּדָה? אֵימַא: הִנֵּה דָם הַשְּׂעִיר וְנָטַל דָּם הַפָּר.

Rava said to him: This is problematic, as one statement is in accordance with the opinion of the Rabbis, and the other one is in accordance with the opinion of Rabbi Yehuda. According to the Rabbis, each of these bowls sat on its own pedestal in the Sanctuary, whereas Rabbi Yehuda maintains that the High Priest must first lift up the container with the blood of the bull and then put down that of the goat. Rather, you should recite the entire order of the service entirely in accordance with the opinion of the Rabbis: He placed the blood of the goat on its designated pedestal and took the blood of the bull<sup>h</sup> from the second stand.

“וְהִזָּה מִמֶּנּוּ עַל הַפְּרוֹכֶת כַּנֶּגֶד אֲרוֹן מִבְּחוּץ.” תַּנּוּ רַבְנָן: “וְכֵן יַעֲשֶׂה לְאֵהָל מוֹעֵד” מַה תִּלְמוֹד לִזְמוּרָה? כִּשְׁם שְׂמִינָה לְפָנֵי לְפָנִים – כִּךְ מִזָּה בְּהִיכָל.

§ The mishna taught: And the High Priest sprinkled from the blood of the bull on the curtain opposite the Ark from outside the Holy of Holies. The Sages taught: “And he shall make atonement for the sacred place because of the impurities of the children of Israel, and because of their transgressions, even all their sins; and so shall he do for the Tent of Meeting that dwells with them in the midst of their impurity” (Leviticus 16:16). What is the meaning when the verse states this? Just as he sprinkles in the innermost sanctum, the Holy of Holies, so he sprinkles in the Sanctuary, the Tent of Meeting, toward the curtain.

מַה לְפָנֵי לְפָנִים – אַחַת לְמַעַלָּה וְשִׁבְעַת לְמַטָּה מִדָּם הַפָּר, כִּךְ מִזָּה בְּהִיכָל וְכִשְׁם שְׂמִינָה לְפָנֵי לְפָנִים אַחַת לְמַעַלָּה וְשִׁבְעַת לְמַטָּה מִדָּם הַשְּׂעִיר – כִּךְ מִזָּה בְּהִיכָל. “הַשּׂוֹכֵן אִתְּם בְּתוֹךְ טוּמְאָתָם” – אִפִּילוּ בְּשַׁעַת שָׁהֵן טְמֵאִים שְׂכִינָה עִמָּהֶם.

Furthermore: Just as in the innermost sanctum he sprinkles once upward and seven times downward from the blood of the bull, so he sprinkles in the Sanctuary. And just as in the innermost sanctum he sprinkles once upward and seven times downward from the blood of the goat, so he sprinkles in the Sanctuary.<sup>h</sup> The last part of the verse: “That dwells with them in the midst of their impurity,” teaches that even when the Jewish people are impure, the Divine Presence is with them.

אָמַר לֵיהּ הַהוּא צְדוּקִי לְרַבֵּי חֲנִינָא:

With regard to this verse, the Gemara relates: A certain Sadducee said to Rabbi Hanina:

Perek V  
Daf 57 Amud a

הַשְּׂתָא בְּרֵי טְמֵאִים אֲתוּן, דְּכַתִּיב: “טוּמְאָתָהּ בְּשׂוּלֶיהָ.” אָמַר לֵיהּ: תָּא חַזִּי מַה כְּתִיב בְּהוּ “הַשּׂוֹכֵן אִתְּם בְּתוֹךְ טוּמְאָתָם,” אִפִּילוּ בּוֹמֵן שָׁהֵן טְמֵאִין – שְׂכִינָה שְׂרוּיָה בֵּינֵיהוֹן.

Now you are certainly impure,<sup>n</sup> as it is written about the Jewish people: “Her impurity was in her skirts” (Lamentations 1:9), and the Divine Presence does not dwell upon the Jews when they are impure. Rabbi Hanina said to him: Come and see what is written about the Jewish people: “That dwells with them in the midst of their impurity” (Leviticus 16:16). This indicates that even when they are impure, the Divine Presence dwells among them.

וְכִי דְבַר הַלְמוֹד בְּהִיקָשׁ חוּזַר וּמְלִימַד בְּהִיקָשׁ?

The Gemara raises a difficulty with regard to the aforementioned *halakha*. It was stated above that the comparison to the goat teaches that the High Priest sprinkles the bull's blood once upward; and the seven downward sprinklings of the goat's blood are derived from the rite of the blood of the bull. Subsequently, the order of sprinkling toward the curtain in the Sanctuary is again derived by means of a similar comparison. The Gemara asks: And does a matter derived by juxtaposition, i.e., a *halakha* not written explicitly in the Torah but learned by means of a comparison, again teach by juxtaposition? There is a general principle that a *halakha* derived by juxtaposition with regard to offerings cannot subsequently teach another *halakha* by juxtaposition.<sup>n</sup>

הָאֵי הִימְנוּ וְדַבֵּר אַחֵר הוּא, וְלֹא הָאֵי הִימְנוּ.

The Gemara answers that the first juxtaposition was not a proper inference by verbal analogy, as this *halakha* that the High Priest must sprinkle once upward and seven times downward is derived both from that juxtaposition and something else as well. Since the basic requirement that he must sprinkle upward and downward for the bull and the goat is stated explicitly in both cases, and the comparison was necessary only to teach the precise number of sprinklings, this inference is not considered a juxtaposition to the extent that one cannot derive further comparisons from it.

NOTES

הַשְּׂתָא בְּרֵי טְמֵאִים – אֲתוּן: The Sadducee was referring to the period after the destruction of the Temple. His proof is from the verse: “Her impurity was in her skirts” (Lamentations 1:9), which alludes to the end of the Temple, i.e., in these final days (Rabbeinu Elyakim).

A derivation from what has already been derived in the *halakhot* of offerings – לְמוֹד וּמְלִימַד בְּקִדְשִׁים: With regard to all issues related to Torah law, when a *halakha* has been derived by means one of the exegetical principles, the resulting idea is treated as though it were written explicitly in the text. That *halakha* can subsequently serve as a source for other derivations. However, in the case of sacrificial matters, it is stated in tractate *Zevahim* that *halakhot* that have been derived by an exegetical principle cannot themselves serve as the source for other *halakhot*. Instead, each *halakha* requires a separate derivation. This principle is apparently based on the fact that the *halakhot* of offerings are not governed by logic but are divine decrees, and therefore there is a limit to the extent to which one can derive novel *halakhot* that are not stated explicitly in the text. The Gemara in *Zevahim* does concede that certain exegetical principles do yield conclusions from which one may derive new *halakhot*. The Sages debate which of the principles operate in this manner.